

AN ORDINANCE amending the Thoroughfare
Plan of the City Comprehensive ("Master")
Plan by vacating a dedicated utility easement thereof.

WHEREAS, a petition to vacate a dedicated utility
easement within the City of Fort Wayne (as more specifically
described below) was duly filed with the City Planning
Commission; and

WHEREAS, said Commission duly held a public hearing
thereon; and

WHEREAS, said Commission has duly forwarded its
recommendation to this body approving said petition, all in
accordance with I.C. 36-7-4-512(2) and this body having held
a public hearing on said vacation as provided in
I.C. 36-7-3-12; and

WHEREAS, this body concurs in the recommendation of the
City Planning Commission.

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF
THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the petition filed herein to vacate a
dedicated utility easement within the City of Fort Wayne,
more specifically described as follows, to-wit:

The West seven (7) feet of the South one hundred fifty-
five (155) feet of Lot 43, Sanibel Acres, Section B,
and which vacating amends the Thoroughfare Plan of the City
Comprehensive ("Master") Plan and is hereby approved in all
respects.

SECTION 2. That this Ordinance shall be in full force
and effect from and after its passage, any and all necessary
approval by the Mayor.

Charles B. Reed

COUNCILMEMBER

APPROVED AS TO FORM AND LEGALITY:

Bruce O. Boxberger
BRUCE O. BOXBERGER, CITY ATTORNEY

** Public hearing to be held on Tuesday,
the 13th day of October, 1987,
in the Council Chambers.

Sandra E. Kennedy

Sandra E. Kennedy, City Clerk

Read the first time in full and on motion by Redd
seconded by Redd, and duly adopted, read the second time
by title and referred to the Committee Regulations (and the
Plan Commission for recommendation) and Public Hearing to be held after
due legal notice, at the Council Chambers, City-County Building, Fort Wayne,
Indiana, on _____, the _____ day of _____,
19____, at _____ o'clock _____ .M.

DATE: 8-11-87

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Bradbury
seconded by Bradbury, and duly adopted, placed on its
passage. PASSED (LOST) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>8</u>	<u> </u>	<u> </u>	<u>1</u>	<u> </u>
<u>BRADBURY</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>BURNS</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>EISBART</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>GIAQUINTA</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>HENRY</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>REDD</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>SCHMIDT</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>STIER</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>TALARICO</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>

DATE: 10-13-87

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort
Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)

(SPECIAL) (ZONING MAP) ORDINANCE (RESOLUTION) NO. B-19-87

on the 13th day of October, 1987

ATTEST:

(SEAL)

Sandra E. Kennedy

Thomas E. Henry

SANDRA E. KENNEDY, CITY CLERK

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana
on the 14th day of October, 1987

at the hour of 11:00 o'clock A.M., E.S.T.

Sandra E. Kennedy

SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 15th day of October
1987, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
WIN MOSES, JR., MAYOR

RECEIPT

CL # 5563

COMMUNITY DEVELOPMENT & PLANNING

No 2721

FT. WAYNE, IND., July 28 1987

RECEIVED FROM Gary L. Moore & Associates

\$ 100.00

THE SUM OF One Hundred and no/100's

100 DOLLARS

ON ACCOUNT OF Vacation Pay.

W. J. [Signature]

AUTHORIZED SIGNATURE

VACATION ORDINANCE

PETITION TO VACATE DEDICATED UTILITY EASEMENT

TO: THE CITY PLAN COMMISSION
CITY OF FORT WAYNE, INDIANA

The Undersigned petitioners do hereby respectfully petition the Fort Wayne City Plan Commission to vacate the following dedicated utility easement within the City of Fort Wayne, Indiana, and hereby described as follows:

West seven (7) feet of the south one hundred fifty (155) feet of Lot 43, Sanibel Acres, Section B.

In support thereof, your petitioners would represent as follows:

1. That they are the only owners of the real estate bordering both sides of the easement.
2. That the dedicated easement is not necessary to serve other properties whatsoever.
3. That said easement is not being used.
4. That no other person, firm, or corporation is interested in or affected by the requested vacation.
5. That the maintenance of said easement is not necessary or advantageous to the growth of the City of Fort Wayne, and that it would be to the best interest of the City and the citizens thereof.

Your petitions file this petition pursuant to the authority granted in Indiana Code, Section 36-7-4-512 in order to complete the vacation as above described.

WHEREFORE, your petitioners pray that the above described dedicated easement be vacated according to the provisions of the Indiana Law pertaining thereto.

Dated this 25 day of July, 1987.

Gary E. Leman
Gary E. Leman

Ruth N. Leman
Ruth N. Leman
11717 Woodstone Place
Fort Wayne, IN 46825
Adjacent Property Owner's
Address

Paul Steman
Paul Steman
1000 E. Chicago Road
Sturgis, MI 49091
Petitioner's Address

Charles R. Cogdell
Charles R. Cogdell
Livingston Dildine Haynie &
Yoder
1400 One Summit Square
Fort Wayne, IN 46801
Agent's Name & Address

RESOLUTION 77-162-6

WHEREAS, GARY and RUTH LEMAN and PAUL STEMEN have petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following dedicated utility easement situated in Fort Wayne, Allen County, to-wit:

The West 7 feet of the South 155 feet of Lot 43, Sanibel Acres,
Section B

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-4-512; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said vacation of a dedicated utility easement has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Electrical Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne Board of Public Works that the vacation of said dedicated utility easement hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana.

BE IT FURTHER RESOLVED by the Board of Public Works that the vacation of said dedicated utility easement hereinbefore described be and the same is hereby approved subject to easements as required by all public utilities occupying and using said dedicated utility easement or part thereof for the vacation and operation of its utility facilities shall not be deprived of said use on account of these proceedings unless any said utilities shall file a written consent to said vacation.

STATE OF INDIANA)


) SS:

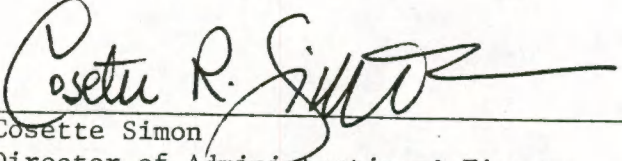
COUNTY OF ALLEN)

I, Baron R. Biedenweg, Chairman of the Board of Public Works, do hereby certify that attached hereto is a full, true and correct copy of a resolution adopted by the Fort Wayne Board of Works at their meeting held September 16, 1987 and as same appears of record in the official records of said Board of Public Works.

DATED THIS 16th DAY OF September 1987

FORT WAYNE BOARD OF PUBLIC WORKS


Baron Biedenweg
Director of Public Works


Cosette Simon
Director of Administration & Finance

R E S O L U T I O N

WHEREAS, GARY and RUTH LEMAN and PAUL STEMEN have petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following dedicated utility easement in Fort Wayne, Allen County, to-wit:

The West 7 feet of the South 155 feet of Lot 43, Sanibel Acres,
Section B

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of 1963 of the General Assembly of the State of Indiana, Indiana Code, Section 36-7-4-512.

WHEREAS, notice of such public hearing has been given by due and proper publication thereof; and,

WHEREAS, said public hearing was held on August 17, 1987 at 7:00 P.M., and at such hearing there were no objections of any kind or character which should prevent the vacation of said dedicated utility easement.

WHEREAS, said vacation of dedicated utility easement has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Street Light Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated utility easement hereinbefore described conforms to the general policy pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana;

BE IT FURTHER RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated utility easement hereinbefore described be and the same is hereby approved.

BE IT FURTHER RESOLVED no public utility occupying and using said dedicated utility easement or part thereof for the vacation and operation of its utility facilities shall be deprived of said use on account of these proceedings unless any said utility shall file a written consent to said vacation.

BE IT FURTHER RESOLVED that the action of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of dedicated utility easement in Allen County, Indiana.

STATE OF INDIANA)) SS:
COUNTY OF ALLEN)

I, Robert Hutner, Secretary of the Fort Wayne City Plan Commission, do hereby certify that the attached is a full, true and correct copy of a resolution adopted by the Fort Wayne City Plan Commission following a public hearing of said Commission held August 24, 1987 and as the same appears of record in the official records of said Plan Commission.

DATED THIS 9th DAY OF September 19 87

FORT WAYNE CITY PLAN COMMISSION

Robert Hutner, Secretary

BILL NO. G-87-08-13

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS

REFERRED AN (ORDINANCE) (~~RESOLUTION~~) amending the Thoroughfare

Plan of the City Comprehensive ("Master") Plan by vacating a

dedicated utility easement thereof

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION AND BEG

LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (ORDINANCE)

(~~RESOLUTION~~)

Do Pass

YES

NO

Janet G. Bradbury
JANET G. BRADBURY
CHAIRPERSON

Charles B. Redd
CHARLES B. REDD
VICE CHAIRMAN

Thomas C. Henry
THOMAS C. HENRY

PAUL M. BURNS

Ben A. Eisbart
BEN A. EISBART

CONCURRED IN 10-13-87.

SANDRA E. KENNEDY
CITY CLERK

September 3, 1987

Ms. Gretchen Smith
Schenkel & Shultz Engineers
3702 Rupp Drive
Fort Wayne, IN 46815

Subject: Vacation Petition #267 for a portion of Dusing Ave.

Dear Ms. Smith:

Subject petition was approved by City Plan Commission on June 1, 1987 with the following conditional approval placed on it.

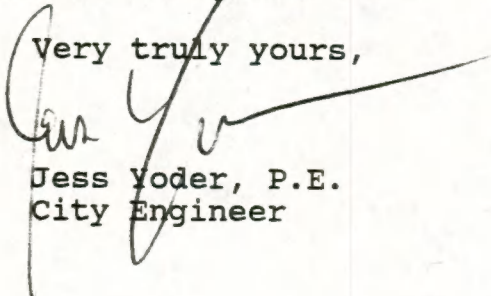
"The petitioner provide a "turnaround" at the end of Dusing Avenue to be approved by the City Traffic and Street Engineering Department".

This had been based on a review by the Engineering Departments who were concerned that public and emergency vehicle traffic would be unable to turn a vehicle around within the limited width of pavement currently existing on Dusing Avenue.

Upon further review, however, it has been determined by both the Fire Department and the City Traffic Engineering Department that a constructed turn around at the end of Dusing Avenue would not be required due to the close proximity of the dead-end of Dusing to Fernhill Avenue.

It is the intent of the Board of Public Works that this not be made a condition of vacation of Dusing Avenue.

Very truly yours,



Jess Yoder, P.E.
City Engineer

NOTICE OF PUBLIC HEARING

You are hereby notified that the Fort Wayne City Plan Commission will conduct a public hearing on Monday, August 17, 1987 at 7:00 P.M. in Room #126, City-County Building, One Main Street, Fort Wayne, Indiana on the following proposed vacation of dedicated utility easement.

West seven (7) feet of the south one hundred fifty (155) feet of Lot #43, Sanibel Acres, Sectino B.

All interested persons are invited to attend.

FORT WAYNE CITY PLAN COMMISSION

Robert Hutner
Secretary

Notify:

Chuck Cogdell
1400 one Summer Sp
City 02
d

Gary Leman
11717 Woodstone Pl
City 46825



The City of Fort Wayne

September 23, 1987

Charles Cogdell, Attorney
1400 One Summit Square
Fort Wayne, Indiana 46802

NOTICE OF PUBLIC HEARDING ON BILL NO. G-87-08-13

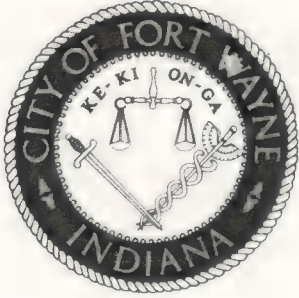
You are hereby notified that the Common Council of Fort Wayne will conduct a public hearing on Tuesday, October 13, 1987, at 7:00 P.M. (EST) in the Common Council Conferene Room 128, 1st floor, One Main Street, Fort Wayne, Indiana on the following:

West 7 feet of the South 155 feet of
Lot 43 in Sanibel Acres, Section B --
To allow Professional Office Development

All interested persons are invited to appear and be heard. Any written material may be submitted to the Common Council prior to the hearing.

Fort Wayne Common Council

Sandra E. Kennedy
City Clerk



The City of Fort Wayne

September 23, 1987

Gary Leman
11717 Woodstone Place
Fort Wayne, Indiana 46825

NOTICE OF PUBLIC HEARING ON BILL NO. G-87-08-13

You are hereby notified that the Common Council of Fort Wayne will conduct a public hearing on Tuesday, October 13, 1987, at 7:00 P.M. (EST) in the Common Council Conference Room 128, 1st floor, One Main Street, Fort Wayne, Indiana on the following:

West 7 feet of the South 155 feet of
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Fort Wayne Common Council

Sandra E. Kennedy
City Clerk

NOTICE OF PUBLIC HEARING
FORT WAYNE COMMON COUNCIL
(BILL NO. G-87-08-13)

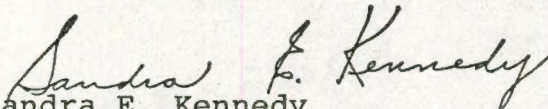
Notice is hereby given that the Fort Wayne Common Council of the City of Fort Wayne, will conduct a public hearing on Tuesday, October 13, 1987, at 7:00 P.M. (EST) in Common Council Conference Room 128, City-County Building, One Main Street, Fort Wayne, Indiana, more particularly described as follows:

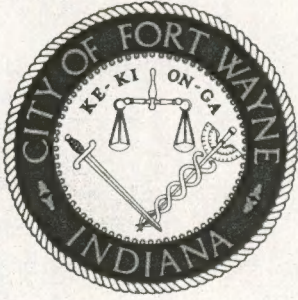
West 7 feet of the South 155 feet of Lot
43 in Sanibel Acres, Section B -- To allow
Professional Office Development

The West seven (7) feet of the South one
hundred fifty-five (155) feet of Lot 43,
Sanibel Acres, Section B

All interested persons are invited to attend.

FORT WAYNE COMMON COUNCIL


Sandra E. Kennedy
City Clerk



The City of Fort Wayne

September 23, 1987

Ms. Marilyn Romine
Fort Wayne Newspapers, Inc.
600 West Main Street
Fort Wayne, Indiana 46802

Dear Ms. Romine:

Please give the attached full coverage on the date of September 26, 1987, in both the News Sentinel and Journal Gazette.

RE: Legal Notice for Common Council
of Fort Wayne, IN

Bill No. G-87-08-13)
Utility Easement

Please send us 4 copies of the Publisher's Affidavit from both newspapers.

Thank you.

Sincerely yours,

Sandra E. Kennedy
Sandra E. Kennedy
City Clerk

SEK/ne
ENCL: 1

Fort Wayne Common Council

(Governmental Unit)

Allen

County, IN

To NEW-SENTINEL Dr.
P.O. BOX 100
FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) - number of equivalent lines

Head number of lines

Body number of lines

Tail number of lines

Total number of lines in notice

3

12

3

18

COMPUTATION OF CHARGES

18 lines, 1 columns wide equals 18 equivalent lines at .300¢ \$ 5.40

Additional charge for notices containing rule or tabular work (50 per cent of above amount)

Charge for extra proofs of publication (1.00 for each proof in excess of two) 2 extra 2.00

TOTAL AMOUNT OF CLAIM

\$ 7.40

DATA FOR COMPUTING COST

Width of single column 12.5 picas

Size of type 6 point

Number of insertions 1

Size of quad upon which type is cast 6

Pursuant to the provision and penalties of Ch. 89., Acts 1967.

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Drusilla Roose

Date Sept. 26 19 87

Title CLERK

FORM #903

PUBLISHER'S AFFIDAVIT

State of Indiana
ALLEN County SS:

Personally appeared before me, a notary public in and for said county and state, the undersigned Drusilla Roose who, being duly sworn, says that he/she is CLERK

NEWS-SENTINEL

a DAILY newspaper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANA

in state and county aforesaid, and that the printed matter attached hereto is a true copy, one time which was duly published in said paper for the dates of publication being as follows:

9/26/87

Subscribed and sworn to me before this 26th day of September 19 87

Shelley R. LaRue Notary Public

March 3, 1990

My commission expires

NOTICE OF PUBLIC HEARING
FORT WAYNE COMMON COUNCIL
(BILL NO G-87-08-13)
Notice is hereby given that the Fort Wayne Common Council of the City of Fort Wayne, will conduct a public hearing on Tuesday, October 13, 1987, at 7:00 P.M. (EST) in Common Council Conference Room 128, City-County Building, One Main Street, Fort Wayne, Indiana, more particularly described as follows:
West 7 feet of the South 155 feet of Lot 43 in Sanibel Acres, Section B -- To allow Professional Office Development
The West seven (7) feet of the South one hundred fifty-five (155) feet of Lot 43, Sanibel Acres, Section B.
FORT WAYNE COMMON COUNCIL
Sandra Kennedy
City Clerk
9-26

Fort Wayne Common Council

(Governmental Unit)

Allen

County, IN

To JOURNAL-GAZETTE Dr.
P.O. BOX 100
FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) - number of equivalent lines

Head	number of lines	3
Body	number of lines	12
Tail	number of lines	3
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COMPUTATION OF CHARGES

18	1	18	.300¢	5.40
lines,	columns wide equals	equivalent lines at		\$
cents per line				

Additional charge for notices containing rule or tabular work (50 per cent of above amount)

Charge for extra proofs of publication (1.00 for each proof in excess of two) 2 extra 2.00

TOTAL AMOUNT OF CLAIM \$ 7.40

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Pursuant to the provision and penalties of Ch. 89., Acts 1967.

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Date Sept. 26 19 87

Title CLERK

FORM #904

PUBLISHER'S AFFIDAVIT

State of Indiana
ALLEN County SS:

Personally appeared before me, a notary public in and for said county and state, the undersigned Drusilla Roose

that he/she is CLERK of the

JOURNAL-GAZETTE

a DAILY newspaper of general circulation printed and published

in the English language in the city of FORT WAYNE, INDIANA

in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for one time

the dates of publication being

as follows:

9/26/87

Subscribed and sworn to me before this 26th day of September 19 87

Shelley R. LaRue Notary Public

My commission expires March 3, 1990

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(BILL NO G-87-08-13)

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FORT WAYNE COMMON COUNCIL
Sandra Kennedy
City Clerk